

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CHRIS LUCERO, as Personal	)	
Representative of the Estate of	)	
MARCO ANTONIO SANCHEZ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Civil Action No. 1:18-cv-00148
	)	
CARLSBAD MEDICAL CENTER, LLC,	)	
COMMUNITY HEALTH SYSTEMS,	)	
INC, AND JOHN DOES 1-10	)	
	)	
Defendants.	)	
	)	
	)	
	)	

**DEFENDANT CARLSBAD MEDICAL CENTER, LLC'S ANSWER TO PLAINTIFF'S  
COMPLAINT FOR WRONGFUL DEATH, MEDICAL NEGLIGENCE, RESPONDEAT  
SUPERIOR, AND PUNITIVE DAMAGES AND  
JURY DEMAND**

Defendant Carlsbad Medical Center, LLC (hereafter "Defendant") files this Answer to Plaintiff's Complaint for Wrongful Death, Medical Negligence, Respondeat Superior, and Punitive Damages (hereafter "Complaint") and shows the Court the following:

I.

**PARTIES AND VENUE**

1. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint and, therefore, such allegations are denied.

2. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint and, therefore, such allegations are denied.

3. Defendant admits that it is a Delaware limited liability company and denies any allegations in paragraph 3 inconsistent with said admission.

4. Defendant denies the allegations in Paragraph 4 of Plaintiff's Complaint.

5. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint and, therefore, such allegations are denied.

6. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint and, therefore, such allegations are denied.

7. Defendant admits only that this Court has jurisdiction over this matter but denies the remainder of the allegations contained in paragraph 7 of the Complaint.

## **II.**

### **FACTUAL BACKGROUND**

8. In answer to paragraph 8 of the Complaint, Defendant incorporates by reference its responses to the preceding and succeeding paragraphs for all purposes.

9. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint and, therefore, such allegations are denied.

10. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint and, therefore, such allegations are denied.

11. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint and, therefore, such allegations are denied.

12. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint and, therefore, such allegations are denied.

13. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint and, therefore, such allegations are denied.

14. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint and, therefore, such allegations are denied.

15. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint and, therefore, such allegations are denied.

16. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Complaint and, therefore, such allegations are denied.

17. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Complaint and, therefore, such allegations are denied.

18. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Complaint and, therefore, such allegations are denied.

19. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Complaint and, therefore, such allegations are denied.

20. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint and, therefore, such allegations are denied.

21. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint and, therefore, such allegations are denied.

22. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint and, therefore, such allegations are denied.

23. Defendant, after a reasonable inquiry, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint and, therefore, such allegations are denied.

**III.**

**FIRST CAUSE OF ACTION:  
WRONGFUL DEATH AGAINST ALL DEFENDANTS**

24. In answer to paragraph 24 of the Complaint, Defendant incorporates by reference its responses to the foregoing paragraphs as though set forth fully herein.

25. Defendant denies the vague allegations contained in paragraph 25.

26. This request calls for a legal conclusion and does not require a response. To the extent a response is required, Defendant denies the allegations contained in paragraph 26.

27. Defendant denies the allegations contained in paragraph 27.

**SECOND CAUSE OF ACTION:  
MEDICAL NEGLIGENCE AGAINST ALL DEFENDANTS**

28. In answer to paragraph 28 of the Complaint, Defendant incorporates by reference its responses to the foregoing paragraphs as though set forth fully herein.

29. Defendant denies the allegations contained in paragraph 29.

30. Defendant denies the allegations contained in paragraph 30 and its subparts a-i.

31. Defendant denies the allegations contained in paragraph 31.

32. Defendant denies the allegations contained in paragraph 32.

33. Defendant denies the allegations contained in paragraph 33.

**THIRD CAUSE OF ACTION:  
RESPONDEAT SUPERIOR AGAINST DEFENDANT CARLSBAD MEDICAL CENTER  
& COMMUNITY HEALTH SYSTEMS, INC.**

34. In answer to paragraph 34 of the Complaint, Defendant incorporates by reference its responses to the foregoing paragraphs as though set forth fully herein.

35. Defendant denies the allegations contained in paragraph 35.

36. Defendant denies the allegations contained in paragraph 36.

37. Defendant denies the allegations contained in paragraph 37.

38. Defendant denies the allegations contained in paragraph 38.

39. Defendant denies the allegations contained in paragraph 39.

**FOURTH CAUSE OF ACTION:  
PUNITIVE DAMAGES AGAINST ALL DEFENDANTS**

40. In answer to paragraph 40 of the Complaint, Defendant incorporates by reference its responses to the foregoing paragraphs as though set forth fully herein.

41. Defendant denies the allegations contained in paragraph 41.

42. Defendant denies that Plaintiff is entitled to recover any damages against it as demanded for in Plaintiff's Complaint and in the "WHEREFORE" paragraph. Defendant denies all allegations contained in Plaintiff's Complaint that were not specifically admitted. Defendant demands a trial by jury.

**AFFIRMATIVE DEFENSES**

1. Any factual allegation contained in the Complaint not expressly admitted is denied.

2. Plaintiff's Complaint fails, in whole or in part, to state a claim against the Defendant upon which relief may be granted.

3. The Defendant did not breach any duties to Plaintiff and Plaintiff has not suffered any damages or injuries as a result of any acts or omissions on the part of the Defendant.

4. If Defendant was negligent or at fault, which it specifically denies, then other individuals or entities, whether or not named or identified in this lawsuit, were also negligent or at fault. The negligence or fault of those individuals or entities amounts to comparative fault which should be used to eliminate, decrease, or offset, in whole or in part, any recovery Plaintiff

obtains against the Defendant.

5. Plaintiff's damages, if any exist, are limited pursuant to NMSA §41-5-6.

6. If Plaintiff was damaged as alleged, which is specifically denied, such damage resulted from one or more of Plaintiff's or Marco Sanchez's preexisting medical conditions which predated any alleged negligence by the Defendant and for which the Defendant may not be held responsible.

7. If Plaintiff or Marco Sanchez was damaged as alleged, which is specifically denied, such damage resulted from one or more unavoidable medical complications for which the Defendant may not be held responsible.

8. If Plaintiff or Marco Sanchez was damaged as alleged, which is specifically denied, such damage was proximately caused by an independent and intervening cause, thereby barring any recovery by Plaintiff against the Defendant.

9. Plaintiff failed to mitigate his damages, if any.

10. The Defendant states that the alleged damages to Plaintiff, which are specifically denied, were the proximate result of an independent and superseding cause (or causes), thereby barring recovery herein by Plaintiff against the Defendant.

11. The alleged injuries of Plaintiff were proximately caused by the contributory negligence, comparative negligence, or fault of other individuals, entities, or parties other than the Defendant, for which the Defendant may not be held liable.

12. To the extent that discovery reveals that Plaintiff's Complaint is barred by a failure to state a claim upon which relief can be granted or failure to join a party (or parties), those defenses are asserted herein to preserve them.

13. The conduct of the Defendant and its employees was reasonable and prudent, and

further was undertaken in good faith and without any culpable mental state, and therefore, Plaintiff's claims for punitive damages should be dismissed.

14. Plaintiff's request for punitive damages is unconstitutional and unenforceable under Article 2, Section 18 of the New Mexico Constitution and the Fifth and Fourteenth Amendments to the Constitution of the United States.

15. The affirmative defenses set forth herein are preliminary, made without the benefit of all the facts underlying or pertaining to Plaintiff's claims. The Defendant reserves the right to amend and assert additional affirmative defenses as discovery progresses.

#### **IV.**

#### **JURY DEMAND**

Pursuant to the Federal Rules of Civil Procedure, Defendant hereby demands a trial by jury.

WHEREFORE, Defendant Carlsbad Medical Center, LLC requests that all of Plaintiff's claims and causes of action be dismissed, that judgment be GRANTED in its favor, that the Defendant be granted recovery of its costs, including attorneys' fees, and that the Court award it any other relief to which it may be entitled.



Respectfully submitted,

**SERPE, JONES, ANDREWS,  
CALLENDER & BELL, PLLC**

By: 

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**ATTORNEY IN CHARGE FOR DEFENDANT,  
CARSLBAD MEDICAL CENTER, LLC**

**CERTIFICATE OF SERVICE**

On this 21st day of February 2018, a true and correct copy of the above and foregoing was forwarded to all counsel of record as follows:

Paul M. Dominguez  
Dominguez Law Firm  
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*Attorney for Plaintiff*

  
Randall Jones

#855300